IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.251 OF 2006

Cdr.Sandeep Kumar Khattri. ..Petitioner.

V/s.

University of Mumbai & Ors. ..Respondents.

Ms.Manda D.Loke for petitioner.

Mr.P.M.Palshikar for Respondent Nos. 2 to 5.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 8, 2007.

P.C. :

1. Heard counsel for the parties.

2. It is not in dispute that the order in respect of which wilful disobedience is alleged, has been set aside by this Court. The respondents-contemnors having challenged the order before this Court, which challenge has eventually succeeded, it is not possible to take the view that it is a case of wilful disobedience of the order of the Court. Mr.Palshikar is appearing for respondent No.2 to 5. No appearance has been made on behalf of the respondent No.1. In the circumstances, this petition will have to be disposed of. Accordingly, the notice issued to contemnors stand discharged.

3. It is the case of the petitioner that consequent to the order passed by this Court setting aside the order of Tribunal, the respondent has now cancelled the provisional admission, which was given to the petitioner. However, the respondents have not refunded the amount towards fees, which was deposited by the petitioner. The respondent No.5 through counsel assures that the refund will be made within one week from today, if the petitioner approaches the respondent No.5 within this period. That assurance is accepted.

4. Petition disposed of on the above terms.